

**Introduced by Committee on Natural Resources and Water
(Senators Kuehl (Chair), Aanestad, Bowen, Dutton,
Hollingsworth, Kehoe, Lowenthal, Machado, Margett, Migden,
and Romero)**

March 29, 2005

An act to amend Sections 65040.2, 65352.3, 65560, and 65562.5 of the Government Code, to repeal Section 85.3 of the Harbors and Navigation Code, to amend Section 20676 of the Public Contract Code, to amend Sections 2207, 4561.5, and 42240 of, and to repeal Sections 665, 733, 2797, 4535, 4561.6, 5072.3, 29411, 29412, and 30521 of the Public Resources Code, relating to public resources.

LEGISLATIVE COUNSEL'S DIGEST

SB 1110, as introduced, Committee on Natural Resources and Water. Public resources.

(1) Existing law, contain specified provisions relating to the protection of Native American places, features, and objects.

This bill would make a technical nonsubstantive change in those provisions.

(2) Existing law appropriated from the Harbors and Watercraft Revolving Fund for the fiscal year 1970–71 a sum not to exceed \$150,000 to the Department of Boating and Waterways for expenditure for contract authority for the purposes of establishing economic justification, making financial and engineering feasibility determinations, and preparing those plans and costs estimates as may be necessary to justify budget proposals or appropriate expenditures, for specified boating and waterway projects.

This bill would repeal those obsolete provisions.

(3) Existing law relating to contracting by local agencies prohibits operators of surface mines in California, whose operations are not identified in specified lists, from selling mined material produced

from a surface mining operation subject to the Surface Mining and Reclamation Act of 1975 to a local agency.

This bill would define “local agency” for those purposes. This bill would also provide that this prohibition applies to a sale of that mined material to a contractor when the contractor is acting on behalf of, or pursuant to, a contract with a local agency, or otherwise intends to use the mined material on a project of a local agency.

(4) Existing law, the Surface Mining and Reclamation Act of 1975, authorizes the State Mining and Geology Board to impose a fee of \$5 per ounce of gold and 10¢ per ounce of silver mined within the state for deposit into the Abandoned Mine Reclamation and Minerals Subaccount in the Mine Reclamation Account to be expended for specified purposes regarding abandoned mined lands. That act requires the Director of Conservation, not later than January 1 of each year, to report to the Legislature on any abandoned mine remediation projects that are proposed for the following fiscal year.

This bill would provide that fees collected pursuant to the act may also be used to remediate features of historic abandoned mines, as defined, and lands that they impact. The bill would also eliminate the reporting requirement for abandoned mine remediation projects.

(5) Existing law required that members first appointed to the State Mining and Geology Board, the State Board of Forestry and Fire Protection, and the members of fire protection district technical committees expired on specified dates.

This bill would repeal those obsolete provisions.

(6) Existing law required the State Board of Forestry and Fire Protection, before January 1, 1975, after a public hearing, to adopt, and authorizes the board from time to time, after a public hearing, to amend permanent stocking standards applicable to commercial timberland where the growing timber does not meet certain acceptable stocking standards, as enumerated.

This bill would revise those provisions to delete the obsolete reference to the date before which the board, after a public hearing, was required to adopt those permanent stocking standards.

(7) Existing law required the State Board of Forestry and Fire Protection to adopt specified rules prior to January 1, 1976, to specify certain stocking standards to be maintained or established after timber operations on timberlands that have been substantially damaged by fire, insects, disease, wind, flood, or other substantial damage caused by an act of God, as provided.

This bill would repeal those provisions.

(8) Existing law required the Director of Parks and Recreation to prepare and transmit to the Legislature, no later than January 1, 1997, a proposed plan for the development and operation of a statewide system of recreation trails.

This bill would repeal that obsolete provision.

(9) Existing law required certain local governments, districts, and the Solano County Local Formation Commission to prepare, before July 1, 1978, and to submit to a State Lands Commission, before January 1, 1979, a local protection program for the preservation of Suisun Marsh.

This bill would repeal those obsolete provisions.

(10) Existing law provides that the California Coastal Zone Conservation Commission shall give priority to local coastal programs meeting certain requirements that are within areas designated as pilot project areas by the commission between August 31, 1976, and October 31, 1976.

This bill would repeal that provision.

(11) Existing law required the Department of General Services and the Integrated Waste Management Board, in consultation with other affected state agencies, on or before January 1, 1991, to adopt specifications for the purchase of compost by the state, as prescribed.

This bill would delete that obsolete date on or before which the department and the board were required to adopt those specifications for the purpose of composting by the state, and would require the department and board to maintain those specifications.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 65040.2 of the Government Code is
2 amended to read:
3 65040.2. (a) In connection with its responsibilities under
4 subdivision (l) of Section 65040, the office shall develop and
5 adopt guidelines for the preparation and content of the mandatory
6 elements required in city and county general plans by Article 5
7 (commencing with Section 65300) of Chapter 3. For purposes of
8 this section, the guidelines prepared pursuant to Section 50459 of
9 the Health and Safety Code shall be the guidelines for the

1 housing element required by Section 65302. In the event that
2 additional elements are hereafter required in city and county
3 general plans by Article 5 (commencing with Section 65300) of
4 Chapter 3, the office shall adopt guidelines for those elements
5 within six months of the effective date of the legislation requiring
6 those additional elements.

7 (b) The office may request from each state department and
8 agency, as it deems appropriate, and the department or agency
9 shall provide, technical assistance in readopting, amending, or
10 repealing the guidelines.

11 (c) The guidelines shall be advisory to each city and county in
12 order to provide assistance in preparing and maintaining their
13 respective general plans.

14 (d) The guidelines shall contain the guidelines for addressing
15 environmental justice matters developed pursuant to Section
16 65040.12.

17 (e) The guidelines shall contain advice including
18 recommendations for best practices to allow for collaborative
19 land use planning of adjacent civilian and military lands and
20 facilities. The guidelines shall encourage enhanced land use
21 compatibility between civilian lands and any adjacent or nearby
22 military facilities through the examination of potential impacts
23 upon one another.

24 (f) The guidelines shall contain advice for addressing the
25 effects of civilian development on military readiness activities
26 carried out on all of the following:

27 (1) Military installations.

28 (2) Military operating areas.

29 (3) Military training areas.

30 (4) Military training routes.

31 (5) Military airspace.

32 (6) Other territory adjacent to those installations and areas.

33 (g) By March 1, 2005, the guidelines shall contain advice,
34 developed in consultation with the Native American Heritage
35 Commission, for consulting with California Native American
36 tribes for all of the following:

37 (1) The preservation of, or the mitigation of impacts to, places,
38 features, and objects described in Sections 5097.9 and ~~5097.995~~
39 ~~5097.993~~ of the Public Resources Code.

1 (2) Procedures for identifying through the Native American
2 Heritage Commission the appropriate California Native
3 American tribes.

4 (3) Procedures for continuing to protect the confidentiality of
5 information concerning the specific identity, location, character,
6 and use of those places, features, and objects.

7 (4) Procedures to facilitate voluntary landowner participation
8 to preserve and protect the specific identity, location, character,
9 and use of those places, features, and objects.

10 (h) The office shall provide for regular review and revision of
11 the guidelines established pursuant to this section.

12 SEC. 2. Section 65352.3 of the Government Code is amended
13 to read:

14 65352.3. (a) (1) Prior to the adoption or any amendment of a
15 city or county's general plan, proposed on or after March 1,
16 2005, the city or county shall conduct consultations with
17 California Native American tribes that are on the contact list
18 maintained by the Native American Heritage Commission for the
19 purpose of preserving or mitigating impacts to places, features,
20 and objects described in Sections 5097.9 and ~~5097.995~~ 5097.993
21 of the Public Resources Code that are located within the city or
22 county's jurisdiction.

23 (2) From the date on which a California Native American tribe
24 is contacted by a city or county pursuant to this subdivision, the
25 tribe has 90 days in which to request a consultation, unless a
26 shorter timeframe has been agreed to by that tribe.

27 (b) Consistent with the guidelines developed and adopted by
28 the Office of Planning and Research pursuant to Section 65040.2,
29 the city or county shall protect the confidentiality of information
30 concerning the specific identity, location, character, and use of
31 those places, features, and objects.

32 SEC. 3. Section 65560 of the Government Code is amended
33 to read:

34 65560. (a) "Local open-space plan" is the open-space
35 element of a county or city general plan adopted by the board or
36 council, either as the local open-space plan or as the interim local
37 open-space plan adopted pursuant to Section 65563.

38 (b) "Open-space land" is any parcel or area of land or water
39 that is essentially unimproved and devoted to an open-space use

1 as defined in this section, and that is designated on a local,
2 regional or state open-space plan as any of the following:

3 (1) Open space for the preservation of natural resources
4 including, but not limited to, areas required for the preservation
5 of plant and animal life, including habitat for fish and wildlife
6 species; areas required for ecologic and other scientific study
7 purposes; rivers, streams, bays and estuaries; and coastal
8 beaches, lakeshores, banks of rivers and streams, and watershed
9 lands.

10 (2) Open space used for the managed production of resources,
11 including but not limited to, forest lands, rangeland, agricultural
12 lands and areas of economic importance for the production of
13 food or fiber; areas required for recharge of groundwater basins;
14 bays, estuaries, marshes, rivers and streams which are important
15 for the management of commercial fisheries; and areas
16 containing major mineral deposits, including those in short
17 supply.

18 (3) Open space for outdoor recreation, including but not
19 limited to, areas of outstanding scenic, historic and cultural
20 value; areas particularly suited for park and recreation purposes,
21 including access to lakeshores, beaches, and rivers and streams;
22 and areas which serve as links between major recreation and
23 open-space reservations, including utility easements, banks of
24 rivers and streams, trails, and scenic highway corridors.

25 (4) Open space for public health and safety, including, but not
26 limited to, areas which require special management or regulation
27 because of hazardous or special conditions such as earthquake
28 fault zones, unstable soil areas, flood plains, watersheds, areas
29 presenting high fire risks, areas required for the protection of
30 water quality and water reservoirs and areas required for the
31 protection and enhancement of air quality.

32 (5) Open space in support of the mission of military
33 installations that comprises areas adjacent to military
34 installations, military training routes, and underlying restricted
35 airspace that can provide additional buffer zones to military
36 activities and complement the resource values of the military
37 lands.

38 (6) Open space for the protection of places, features, and
39 objects described in Sections 5097.9 and ~~5097.995~~ 5097.993 of
40 the Public Resources Code.

1 SEC. 4. Section 65562.5 of the Government Code is amended
2 to read:

3 65562.5. On and after March 1, 2005, if land designated, or
4 proposed to be designated as open space, contains a place,
5 feature, or object described in Sections 5097.9 and ~~5097.995~~
6 ~~5097.993~~ of the Public Resources Code, the city or county in
7 which the place, feature, or object is located shall conduct
8 consultations with the California Native American tribe, if any,
9 that has given notice pursuant to Section 65092 for the purpose
10 of determining the level of confidentiality required to protect the
11 specific identity, location, character, or use of the place, feature,
12 or object and for the purpose of developing treatment with
13 appropriate dignity of the place, feature, or object in any
14 corresponding management plan.

15 SEC. 5. Section 85.3 of the Harbors and Navigation Code is
16 repealed.

17 ~~85.3. There is hereby appropriated from the Harbors and~~
18 ~~Watercraft Revolving Fund for the fiscal year 1970-1971 a sum~~
19 ~~not to exceed one hundred fifty thousand dollars (\$150,000) to~~
20 ~~the department for expenditure for contract authority for the~~
21 ~~purposes of establishing economic justification, making financial~~
22 ~~and engineering feasibility determinations, and preparing such~~
23 ~~plans and cost estimates as may be necessary to justify budget~~
24 ~~proposals or appropriation expenditures, for any projects~~
25 ~~pursuant to Division 1 of this code. The department may expend~~
26 ~~such moneys for such purposes in subsequent fiscal years as may~~
27 ~~be appropriated by the Legislature. Nothing herein shall obligate~~
28 ~~the department to propose or continue a project for funding if~~
29 ~~such justifications cannot be shown to the satisfaction of the~~
30 ~~department. Any moneys expended by the department for~~
31 ~~contract authority under this section with respect to a project for~~
32 ~~which a loan is authorized pursuant to Section 71.4 shall be~~
33 ~~added to the principal of any such loan.~~

34 SEC. 6. Section 20676 of the Public Contract Code is
35 amended to read:

36 20676. (a) Operators of surface mines in this state, whose
37 operations are not identified in the list published pursuant to
38 subdivision (b) of Section 2717 of the Public Resources Code,
39 may not sell that California mined material to a local agency.

1 (b) As used in this section, local agency means any county,
2 city, whether general law or chartered, city and county, town,
3 school district, municipal corporation, district, political
4 subdivision, or any board, commission, or agency thereof, or any
5 other local public agency.

6 (c) The prohibition in subdivision (a) applies to a sale of
7 mined material to a contractor when the contractor is acting on
8 behalf of, or pursuant to, a contract with a local agency, or
9 otherwise tends to use the mined material on a project of a local
10 agency.

11 SEC. 7. Section 665 of the Public Resources Code is
12 repealed.

13 ~~665. The members first appointed to the board shall classify~~
14 ~~themselves by lot so that the term of three members shall expire~~
15 ~~January 15, 1977, the term of two members shall expire January~~
16 ~~15, 1978, the term of two members shall expire January 15, 1979,~~
17 ~~and the term of two members shall expire January 15, 1980.~~

18 SEC. 8. Section 733 of the Public Resources Code is
19 repealed.

20 ~~733. The members first appointed to the board shall classify~~
21 ~~themselves by lot so that the term of three members shall expire~~
22 ~~January 15, 1975, the term of two members shall expire January~~
23 ~~15, 1976, the term of two members shall expire January 15, 1977,~~
24 ~~and the term of two members shall expire January 15, 1978,~~
25 ~~except that no member shall serve for a term in excess of four~~
26 ~~years without being reappointed and confirmed by the Senate as~~
27 ~~provided in this article.~~

28 SEC. 9. Section 2207 of the Public Resources Code is
29 amended to read:

30 2207. (a) The owner, lessor, lessee, agent, manager, or other
31 person in charge of any mining operation of whatever kind or
32 character within the state shall forward to the director annually
33 not later than a date established by the director, upon forms
34 furnished by the board, a report that identifies all of the
35 following:

36 (1) The name, address, and telephone number of the person,
37 company, or other owner of the mining operation.

38 (2) The name, address, and telephone number of a designated
39 agent who resides in this state, and who will receive and accept

1 service of all orders, notices, and processes of the lead agency,
2 board, director, or court.

3 (3) The location of the mining operation, its name, its mine
4 number as issued by the Bureau of Mines or the director, its
5 section, township, range, latitude, longitude, and approximate
6 boundaries of the mining operation marked on a United States
7 Geological Survey 7½-minute or 15-minute quadrangle map.

8 (4) The lead agency.

9 (5) The approval date of the mining operation's reclamation
10 plan.

11 (6) The mining operation's status as active, idle, reclaimed, or
12 in the process of being reclaimed.

13 (7) The commodities produced by the mine and the type of
14 mining operation.

15 (8) Proof of annual inspection by the lead agency.

16 (9) Proof of financial assurances.

17 (10) Ownership of the property, including government
18 agencies, if applicable, by the assessor's parcel number, and total
19 assessed value of the mining operation.

20 (11) The approximate permitted size of the mining operation
21 subject to Chapter 9 (commencing with Section 2710), in acres.

22 (12) The approximate total acreage of land newly disturbed by
23 the mining operation during the previous calendar year.

24 (13) The approximate total of disturbed acreage reclaimed
25 during the previous calendar year.

26 (14) The approximate total unreclaimed disturbed acreage
27 remaining as of the end of the calendar year.

28 (15) The total production for each mineral commodity
29 produced during the previous year.

30 (16) A copy of any approved reclamation plan and any
31 amendments or conditions of approval to any existing
32 reclamation plan approved by the lead agency.

33 (b) Every year, not later than the date established by the
34 director, the person submitting the report pursuant to subdivision
35 (a) shall forward to the lead agency, upon forms furnished by the
36 board, a report that provides all of the information specified in
37 paragraphs (1) to (14), inclusive, of subdivision (a).

38 (c) Subsequent reports shall include only changes in the
39 information submitted for the items described in subdivision (a),
40 except that, instead of the approved reclamation plan, the reports

1 shall include any reclamation plan amendments approved during
2 the previous year. The reports shall state whether review of a
3 reclamation plan, financial assurances, or an interim management
4 plan is pending under subdivision (b), (c), (d), or (h) of Section
5 2770, or whether an appeal before the board or lead agency
6 governing body is pending under subdivision (e) or (h) of Section
7 2770. The director shall notify the person submitting the report
8 and the owner's designated agent in writing that the report and
9 the fee required pursuant to subdivision (d) have been received,
10 specify the mining operation's mine number if one has not been
11 issued by the Bureau of Mines, and notify the person and agent
12 of any deficiencies in the report within 90 days of receipt. That
13 person or agent shall have 30 days from receipt of the
14 notification to correct the noted deficiencies and forward the
15 revised reports to the director and the lead agency. Any person
16 who fails to comply with this section, or knowingly provides
17 incorrect or false information in reports required by this section,
18 may be subject to an administrative penalty as provided in
19 subdivision (c) of Section 2774.1.

20 (d) (1) The board shall impose, by regulation, pursuant to
21 paragraph (2), an annual reporting fee on, and method for
22 collecting annual fees from, each active or idle mining operation.
23 The maximum fee for any single mining operation may not
24 exceed four thousand dollars (\$4,000) annually and may not be
25 less than one hundred dollars (\$100) annually, as adjusted for the
26 cost of living as measured by the California Consumer Price
27 Index for all urban consumers, calendar year averages, using the
28 percentage change in the previous year, beginning with the
29 2005–06 fiscal year and annually thereafter.

30 (2) (A) The board shall adopt, by regulation, a schedule of
31 fees authorized under paragraph (1) to cover the department's
32 cost in carrying out this section and Chapter 9 (commencing with
33 Section 2710), as reflected in the Governor's Budget, and may
34 adopt those regulations as emergency regulations. In establishing
35 the schedule of fees to be paid by each active and idle mining
36 operation, the fees shall be calculated on an equitable basis
37 reflecting the size and type of operation. The board shall also
38 consider the total assessed value of the mining operation, the
39 acreage disturbed by mining activities, and the acreage subject to
40 the reclamation plan.

(B) Regulations adopted pursuant to this subdivision shall be adopted by the board in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. The adoption of any emergency regulations pursuant to this subdivision shall be considered necessary to address an emergency and shall be considered by the Office of Administrative Law to be necessary for the immediate preservation of the public peace, health, safety, and general welfare.

(3) The total revenue generated by the reporting fees may not exceed, and may be less than, the amount of three million five hundred thousand dollars (\$3,500,000), as adjusted for the cost of living as measured by the California Consumer Price Index for all urban consumers, calendar year averages, using the percentage change in the previous year, beginning with the 2005–06 fiscal year and annually thereafter. If the director determines that the revenue collected during the preceding fiscal year was greater or less than the cost to operate the program, the board shall adjust the fees to compensate for the overcollection or undercollection of revenues.

(4) (A) The reporting fees established pursuant to this subdivision shall be deposited in the Mine Reclamation Account, which is hereby created. Any fees, penalties, interest, fines, or charges collected by the director or board pursuant to this chapter or Chapter 9 (commencing with Section 2710) shall be deposited in the Mine Reclamation Account. The money in the account shall be available to the department and board, upon appropriation by the Legislature, for the purpose of carrying out this section and complying with Chapter 9 (commencing with Section 2710), which includes, but is not limited to, classification and designation of areas with mineral resources of statewide or regional significance, reclamation plan and financial assurance review, mine inspection, and enforcement.

(B) (i) In addition to reporting fees, the board shall collect five dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of silver mined within the state and shall deposit the fees collected in the Abandoned Mine Reclamation and Minerals Fund Subaccount, which is hereby created in the Mine Reclamation Account. The department may expend the moneys

1 in the subaccount, upon appropriation by the Legislature, for only
2 the purposes of Sections 2796.5 and 2797.

3 *(ii) Notwithstanding subdivision (j) of Section 2796.5, fees*
4 *collected pursuant to clause (i) may also be used to remediate*
5 *features of historic abandoned mines and lands that they impact.*
6 *For the purposes of this section, historic abandoned mines are*
7 *mines for which operations have been conducted before January*
8 *1, 1976, and include, but are not limited to, historic gold and*
9 *silver mines.*

10 (5) In case of late payment of the reporting fee, a penalty of
11 not less than one hundred dollars (\$100) or 10 percent of the
12 amount due, whichever is greater, plus interest at the rate of 1 ½
13 percent per month, computed from the delinquent date of the
14 assessment until and including the date of payment, shall be
15 assessed. New mining operations that have not submitted a report
16 shall submit a report prior to commencement of operations. The
17 new operation shall submit its fee according to the reasonable fee
18 schedule adopted by the board, and the month that the report is
19 received shall become that operation's anniversary month.

20 (e) The lead agency, or the board when acting as the lead
21 agency, may impose a fee upon each mining operation to cover
22 the reasonable costs incurred in implementing this chapter and
23 Chapter 9 (commencing with Section 2710).

24 (f) For purposes of this section, "mining operation" has the
25 same meaning as "surface mining operation" as defined in
26 Section 2735, unless excepted by Section 2714. For the purposes
27 of fee collections only, "mining operation" may include one or
28 more mines operated by a single operator or mining company on
29 one or more sites, if the total annual combined mineral
30 production for all sites is less than 100 troy ounces for precious
31 metals, if precious metals are the primary mineral commodity
32 produced, or less than 100,000 short tons if the primary mineral
33 commodity produced is not precious metals.

34 (g) Any information in reports submitted pursuant to
35 subdivision (a) that includes or otherwise indicates the total
36 mineral production, reserves, or rate of depletion of any mining
37 operation may not be disclosed to any member of the public, as
38 defined in subdivision ~~(g)~~ (b) of Section 6252 of the Government
39 Code. Other portions of the reports are public records unless
40 excepted by statute. Statistical bulletins based on these reports

1 and published under Section 2205 shall be compiled to show, for
2 the state as a whole and separately for each lead agency, the total
3 of each mineral produced therein. In order not to disclose the
4 production, reserves, or rate of depletion from any identifiable
5 mining operation, no production figure shall be published or
6 otherwise disclosed unless that figure is the aggregated
7 production of not less than three mining operations. If the
8 production figure for any lead agency would disclose the
9 production, reserves, or rate of depletion of less than three
10 mining operations or otherwise permit the reasonable inference
11 of the production, reserves, or rate of depletion of any
12 identifiable mining operation, that figure shall be combined with
13 the same figure of not less than two other lead agencies without
14 regard to the location of the lead agencies. The bulletin shall be
15 published annually by June 30 or as soon thereafter as
16 practicable.

17 SEC. 10 Section 2797 of the Public Resources Code is
18 repealed.

19 ~~2797. (a) Not later than January 1 of each year, the director~~
20 ~~shall report to the Legislature on any abandoned mine~~
21 ~~remediation projects that are proposed for the following fiscal~~
22 ~~year.~~

23 ~~(b) The report required to be prepared pursuant to subdivision~~
24 ~~(a) shall include information on all of the following:~~

25 ~~(1) The source of funding and scope of work to be performed.~~

26 ~~(2) Any other governmental agencies having jurisdiction over~~
27 ~~any proposed project, if any, and the role of any of those affected~~
28 ~~governmental agencies with respect to the proposed project.~~

29 ~~(3) Any impacts on the local community or any other~~
30 ~~stakeholders that may result from the proposed project.~~

31 ~~(4) Any potential legal consequences that may result from the~~
32 ~~commencement of remediation work.~~

33 ~~(c) The report required to be prepared pursuant to this section~~
34 ~~shall be made available on the department's Internet Web site.~~

35 SEC. 11. Section 4535 of the Public Resources Code is
36 repealed.

37 ~~4535. The terms of office of the members shall be for four~~
38 ~~years, except the members of the initial committee. The members~~
39 ~~of the initial committee shall classify themselves by lot at the~~
40 ~~first meeting. Three members shall serve until January 15, 1976,~~

1 ~~three members shall serve until January 15, 1977, and three~~
2 ~~members shall serve until January 15, 1978.~~

3 SEC. 12. Section 4561.5 of the Public Resources Code is
4 amended to read:

5 ~~4561.5. Prior to January 1, 1975, the board shall, after a~~
6 ~~public hearing, adopt, and~~ *The board* may from time to time,
7 after a public hearing, amend; permanent stocking standards
8 applicable to commercial timberland where the growing timber
9 does not meet the acceptable stocking standards as enumerated in
10 Section 4561.

11 SEC. 13. Section 4561.6 of the Public Resources Code is
12 repealed.

13 ~~4561.6. Notwithstanding the provisions of Sections 4561 to~~
14 ~~4561.5, inclusive, the board shall adopt rules prior to January 1,~~
15 ~~1976, which specify standards of stocking to be maintained or~~
16 ~~established after timber operations on timberlands which have~~
17 ~~been substantially damaged by fire, insects, disease, wind, flood,~~
18 ~~or other substantial damage caused by an act of God, and may~~
19 ~~provide for an extended period of time during which stocking~~
20 ~~must be properly completed on such timberlands. In developing~~
21 ~~such standards the board shall consider circumstances that affect~~
22 ~~the feasibility of restoring the productivity of such timberlands.~~

23 SEC. 14. Section 5072.3 of the Public Resources Code is
24 repealed.

25 ~~5072.3. After review and consideration of information~~
26 ~~secured at the plan hearings and no later than January 1, 1977,~~
27 ~~the director shall transmit the proposed plan to the Legislature~~
28 ~~through the Speaker of the Assembly and the Senate Rules~~
29 ~~Committee. The Legislature may hold hearings, solicit testimony,~~
30 ~~and take other appropriate action to review and evaluate the~~
31 ~~proposed plan. Following such review and evaluation, the~~
32 ~~Legislature may act by resolution to comment upon the proposed~~
33 ~~plan as an indication of legislative intent, state findings and~~
34 ~~conclusions, or request changes, deletions, or modifications to~~
35 ~~the proposed plan.~~

36 SEC. 15. Section 29411 of the Public Resources Code is
37 repealed.

38 ~~29411. The local protection program shall be prepared as~~
39 ~~follows:~~

1 ~~(a) Not later than July 1, 1978, the Solano County Local~~
2 ~~Agency Formation Commission, and the Cities of Benicia,~~
3 ~~Fairfield, and Suisun City shall each submit to the county its~~
4 ~~proposed component of the local protection program.~~

5 ~~(b) Not later than July 1, 1978, each district that issues~~
6 ~~permits, grants approvals for development, or conducts activities~~
7 ~~that do, or may, affect the marsh, shall also submit to the county~~
8 ~~its proposed component of the local protection program.~~

9 ~~(c) If the county determines that the proposed component does~~
10 ~~not conform to the protection plan and the provisions of this~~
11 ~~division, the county shall advise the affected local government or~~
12 ~~district, or the Solano County Local Agency Formation~~
13 ~~Commission if affected, of the changes or additions necessary to~~
14 ~~bring the component into conformity.~~

15 ~~(d) In reviewing proposed local protection program~~
16 ~~components, the county may request the assistance of the~~
17 ~~commission. Upon receiving such request, the commission shall~~
18 ~~provide as much advice, information, and staff assistance as is~~
19 ~~compatible with the commission's performance of its other~~
20 ~~responsibilities under state and federal law. On request, the~~
21 ~~commission shall seek the assistance of the department and other~~
22 ~~appropriate state agencies.~~

23 ~~(e) Any local government, district, or the Solano Local~~
24 ~~Agency Formation Commission may request the commission to~~
25 ~~prepare its component of the local protection program, or the~~
26 ~~county may request the commission to prepare the local~~
27 ~~protection program, if either such request is submitted to the~~
28 ~~commission, in writing, not later than March 1, 1978.~~

29 ~~(f) During the preparation of the local protection program,~~
30 ~~local governments, districts, and the Solano County Local~~
31 ~~Agency Formation Commission shall afford reasonable~~
32 ~~opportunity for public participation and consultation with other~~
33 ~~agencies, including adequate public notice, review periods,~~
34 ~~workshops, and public hearings.~~

35 SEC. 16. Section 29412 of the Public Resources Code is
36 repealed.

37 29412. ~~(a) Not later than January 1, 1979, the county shall~~
38 ~~submit to the commission the local protection program, which~~
39 ~~shall include the county's component and all components~~
40 ~~prepared by other local governments, districts, and the Solano~~

~~County Local Agency Formation Commission and which shall meet the requirements of Section 29410.~~

~~(b) If by July 1, 1978, any local government, district, or the Solano County Local Agency Formation Commission fails to submit its component to the county, the county may submit the local protection program without such component, if the local protection program otherwise meets the requirements of Section 29410.~~

~~(c) If by January 1, 1979, the county fails to submit the local protection program to the commission, any local government, district, or the Solano County Local Agency Formation Commission may submit its component directly to the commission for consideration pursuant to the provisions of this division if such component otherwise meets the requirements of Section 29410.~~

~~(d) If by January 1, 1979, the county fails to submit to the commission a local protection program component that has been submitted to it by a local government, district, or the Solano County Local Agency Formation Commission, the affected local government or district, or the Solano County Local Agency Formation Commission if affected, may submit such component directly to the commission if such component otherwise meets the requirements of Section 29410.~~

~~SEC. 17. Section 30521 of the Public Resources Code is repealed.~~

~~30521. The Legislature hereby finds and declares that the early review of a limited number of local coastal programs may provide valuable experience for future review and processing of local coastal programs and that in consideration of the early commitments made by the involved local governments, any local coastal program prepared for that portion of a local jurisdiction designated as a pilot project area by the California Coastal Zone Conservation Commission between August 31, 1976, and October 31, 1976, shall receive priority from the commission by being processed ahead of other local coastal programs pursuant to this chapter. Any such pilot project may be reviewed and approved by the commission without being subject to the procedures required by Section 30501; provided, that the proposed local coastal program, or portion thereof, is in conformity with the policies of Chapter 3 (commencing with~~

1 ~~Section 30200), serves as a useful model for future review of~~
2 ~~local coastal programs, and the regional commission has~~
3 ~~commenced formal review of the land use phase of a local~~
4 ~~coastal program by June 1, 1977.~~

5 SEC. 18. Section 42240 of the Public Resources Code is
6 amended to read:

7 42240. The Department of General Services and the board, in
8 consultation with other affected state agencies, shall, ~~on or before~~
9 ~~January 1, 1991, adopt~~ *maintain* specifications for the purchase
10 of compost by the State of California. The specifications shall
11 designate the state minimum operating standards and product
12 quality standards. The specifications shall be designed to
13 maximize the use of compost without jeopardizing the safety and
14 health of the citizens of the state or the environment.